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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,314	03/25/2004	Deane R. Henderson	ACE-20052	5435

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EXAMINER

SHARMA, RASHMI K

ART UNIT PAPER NUMBER

3651

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,314	Applicant(s) HENDERSON ET AL.	
	Examiner Rashmi K. Sharma	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,9,10 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,10 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/25/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 7, 9 and 10 are objected to because of the following informalities: it appears that "a bumper stop" should be changed to "the bumper stop". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4, 5, 7, 9, 10 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "...while the board is in contact with so as to be carried on the conveyor...". This recitation appears to be indefinite regarding exactly which structure the "board is in contact with". Also, what structure is "to be carried on the conveyor"? Further clarification and correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3651

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 4, 5, 7, 9, 10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tremblay (U.S. Patent number 6,446,785) in view of Ritola et al. (U.S. Patent number 5,685,410) and Doherty et al. (U.S. Patent number 4,484,675).

Tremblay discloses a rotary board turner (20) comprising a conveyor (10) having discreet board engaging means (18) in spaced relation therealong defining board carrying spaces therebetween for carrying boards (16, 116, 216, 316, 416) aligned across a downstream flow direction (see Figures 1-12), an acceleration means (the conveyor drive, please read column 1 lines 26-34) for accelerating a board in a board carrying space to the downstream most end of the space, a bumper stop (76) in a board engaging position so as to engage the board in a space, at least one driven rotator arm (36 or 50) for engaging an underside of the board and so as to deposit the board towards the upstream end of the board carrying space (see Figures 1-12), said conveyor (10) is a lugged conveyor and said discreet board engaging means (18) are a

Art Unit: 3651

spaced array of lugs mounted on said conveyor (10), said bumper stop (76, the term *bumper* defined in Merriam Webster's Collegiate Dictionary 10th Edition is "a device for absorbing shock or preventing damage"), wherein said bumper stop (76) is extendably mounted so as to extend into said downstream flow direction to engage the board when in a board carrying space (see Figures 1-12), and wherein said acceleration means has an upstream end (see the rightmost end of Figures 1-12) and an opposite downstream end (any portion of the conveyor 10 to the left of any portion of the rightmost end of Figures 1-12), the at least one driven rotator arm (36 or 50) including a pair of oppositely disposed rigid arms (30, 130, 230, 330 or 50, 56) rigidly cantilevered from a driven shaft (28) wherein said driven shaft (28) is driven at a rotational speed which is constant relative to a translation speed of said conveyor (10), wherein said drive shaft (28) and said conveyor (10) are mechanically linked to one another by a driving linkage means (please read column 6 lines 59-61) so as to provide said constant relative speeds between said shaft (28) and said conveyor (10), and wherein said at least one driven rotator arm is rotatably mounted on driving means (28) mounted beneath an upper surface of the conveyor (10) and wherein the stop (76) is rigidly mounted.

Tremblay as disclose above, fails to show a board engaging position located at the downstream-most end of the space, wherein the acceleration means is a speed-up belt and a bumper stop that prevents motion of the board in the downstream flow direction once the rotator arm is engaged against the stop so as to rotate the board one hundred eighty degrees over the stop, and wherein the bumper stop is adjacent the downstream end of said acceleration means.

Ritola et al. does disclose a board engaging position (30, 32, read column 5 lines 20-25) located at the downstream-most end of the space (see Figure 1) to properly position the board (read column 5 lines 30-33) and an acceleration means being a speed-up belt (24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to move Tremblay's board engaging position further downstream relative to the space as taught by Ritola et al., in order to properly position the board. It would have been obvious to add the speed up belt as taught by Ritola et al. to Tremblay's conveyor system in order to provide for additional means to accelerate the boards as they approach each rotary board turner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bumper of Tremblay's invention to be moved to the location of the rotator arms (so as to thereby rotate the board one hundred eighty degrees over the stop, and wherein the bumper stop would thereby be adjacent the downstream end of said acceleration means) in order to prevent the boards from further conveyance along the conveyor to thereby provide added stability and control of the board prior to the turning over of the board by the rotator arms.

Response to Arguments

Applicant's arguments, filed 10/6/05, with respect to the limitation of a bumper stop have been fully considered and are persuasive due to Applicant's amendment.

Art Unit: 3651

Applicant amended the claims to add further functionality for the structure now recited as "a bumper stop". While the Tremblay reference does not explicitly disclose a bumper stop positioned at or near the area of the board turner rotary arms, as now required by the claims, Tremblay as rejected above does indeed disclose a bumper stop (76) capable of preventing motion of the boards in the downstream flow direction. However the Examiner still relies on

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

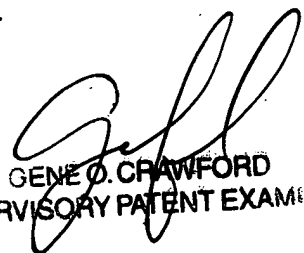
Art Unit: 3651

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER